

Brad S. Daniels, OSB No. 025178
brad.daniels@stoel.com
Nathan R. Morales, OSB No. 145763
nathan.morales@stoel.com
STOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000
Portland, OR 97205
Telephone: 503-294-9496
Facsimile: 503-220-2480

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

OREGON ASSOCIATION OF HOSPITALS
AND HEALTH SYSTEMS,

Plaintiff,

v.

STATE OF OREGON; OREGON HEALTH
AUTHORITY; and JAMES SCHROEDER, in
his official capacity as Director of Oregon
Health Authority,

Defendants.

Case No.: 3:22-cv-01486-SI

**UNOPPOSED MOTION FOR ENTRY
OF CASE MANAGEMENT ORDER
AND EXTENSION OF CASE
DEADLINES**

LOCAL RULE 7.1(A) COMPLIANCE

Pursuant to Local Rule 7.1(a), counsel for Plaintiff Oregon Association of Hospitals and Health Systems (“OAHHS”), conferred with counsel for Defendants regarding this motion. Defendants do not oppose this motion.

UNOPPOSED MOTION

Pursuant to Federal Rule of Civil Procedure 6(b), OAHHS respectfully moves for entry of a case management order and extension of all case deadlines consistent with the following points and authorities.

POINTS AND AUTHORITIES

OAHHS filed its First Amended Complaint on December 19, 2022. (ECF No. 14.) Defendants filed their Answer to the First Amended Complaint on January 24, 2023 (ECF No. 18), and a Notice of Substitution of Counsel on February 1, 2023. (ECF No. 21.) The Court granted and clarified OAHHS's Unopposed Motion for Extension of Case Deadlines on January 31, 2023, and February 3, 2023, extending all deadlines listed in the Court's Discovery and Pretrial Scheduling Order (ECF No. 2) by 120 days.

The parties have met and conferred regarding the manner in which to address the matters raised by the First Amended Complaint and Answer. Given the nature of Plaintiff's claims and constitutional challenges, the parties agree that discovery is not necessary to resolve this case and that first presenting dispositive motions on the legal issues is the most efficient way to proceed. The parties would also like to preserve their ability to pursue any necessary discovery should the Court's order on those dispositive motions not resolve the case in its entirety.

The parties have agreed to a proposed briefing schedule for dispositive motions.

Pursuant to the proposed schedule below, after those motions are resolved and subject to the Court's ruling, the parties request 30 days to meet and confer regarding any additional issues that need to be addressed (including whether any discovery is necessary) and to present a proposed schedule and deadlines to the Court.

Subject to the Court's input or questions, the parties request entry of a case management order reflecting the following schedule:

- May 12, 2023: Deadline for Defendants to file motion for summary judgment;
- June 9, 2023: Deadline for Plaintiff to file combined opposition to Defendants' motion for summary judgment and cross-motion for summary judgment;
- July 14, 2023: Deadline for Defendants to file combined opposition to Plaintiff's motion for summary judgment and reply in support of Defendants' motion for summary judgment;
- July 28, 2023: Deadline for Plaintiff to file reply in support of Plaintiff's motion for summary judgment.

The parties further request that the Court vacate all case deadlines listed in the Court's Discovery and Pretrial Scheduling Order (ECF No. 2) pending entry of an order resolving the parties' motions for summary judgment, or as otherwise determined by the Court.

The deadlines above reflect the current workload of the parties' counsel and are designed to accommodate pending trials and other conflicts.

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

The parties are available for a conference with the Court to the extent the Court has questions regarding the above schedule and proposal.

DATED: April 17, 2023

STOEL RIVES LLP

s/ Brad S. Daniels

BRAD S. DANIELS, OSB No. 025178
brad.daniels@stoel.com
NATHAN R. MORALES, OSB No. 145763
nathan.morales@stoel.com
Telephone: 503-294-9496

Attorneys for Plaintiff